

### REMARKS

This application has been reviewed in light of the Office Action dated February 14, 2008. Claims 1-4, 6-10 and 12-23 are in this application, of which Claims 3 and 12-23 have been withdrawn from consideration as being drawn to one or another non-elected species. Claims 5 and 11 have been canceled, without prejudice or disclaimer of subject matter, and will not be mentioned further. Claims 1, 9 and 10 have been amended to define more clearly what Applicant regards as his invention. Of the claims under consideration, Claims 1 and 9 are in independent form. Favorable reconsideration is requested.

Claim 10 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 10 is now directed to a computer-readable medium that stores the recited program, in executable form. Accordingly, withdrawal of this rejection is respectfully requested.

In addition, Claims 1, 2 and 6-9 were rejected under 35 U.S.C. § 103(a) as being obvious from JPA 2001-112004 (referred to as “Eiji”), and Claims 4, 5 and 10, as being obvious from that document in view of U.S. Patent Application Publication 2004/0001635 (Van Der Schaar et al.).

*Eiji* relates to a technique for which deciding bit-planes are to be decoded, based on code amount (this refers to the second embodiment). Also, *Eiji* relates to deciding which bit-planes are to be decoded, based on processing time (the fourth embodiment). In both embodiments, however, Applicant submits that the decoding of bit-planes is continued as long as the condition defined by the code amount or the processing time, as the case may be, continues to be satisfied. Applicant also submits that nothing has

been found in *Eiji* that would teach or suggest that the number of bit-planes *not* to be decoded is determined before decoding.

Claim 1 recites, among other notable features, “managing a table which stores, for each subband, candidates each of which is a candidate of the number of lower bitplanes or lower sub-bitplanes which are not to be decoded”. Moreover, that claim also recites “selecting a candidate for each subband from the table, in accordance with the information acquired in the decoding process time information acquisition step”, and “setting lower bitplanes or lower sub-bitplanes, the number of which is indicated by the selected candidate, as the bitplanes or sub-bitplanes which are not to be decoded”. applicant submits that nothing in *Eiji* would in any way suggest these features.

Accordingly, Claim 1 is believed to be clearly allowable over *Eiji*.

Independent Claim 9 is a corresponding apparatus claim, and is believed to be patentable for at least the same reasons as discussed above in connection with method Claim 1.

A review of the other art of record, including *Van Der Schaar*, has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims under examination in this application are each dependent from Claim 1, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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